

**WARRANT FOR  
ANNUAL TOWN MEETING  
ELECTION  
Saturday, April 2, 2005**



**ANNUAL TOWN MEETING  
Monday, April 25, 2005  
TOWN OF ARLINGTON**

**TOWN WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To the Constables of the Town of Arlington, in said County:

To the Constables of the Town of Arlington, in said County:

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Arlington qualified to vote in elections, to meet at the polling places designated for the several Precincts in said Town on

**SATURDAY  
THE SECOND OF APRIL 2005**

at eight o'clock in the forenoon, to act on the following articles, namely:

**ARTICLE 1**

- A) One Town Clerk for three years**
- B) One Town Treasurer for three years**
- C) Two Selectmen for three years**
- D) One Assessor for three years**
- E) Three School Committee Members for three years**
- F) One Member of the Arlington Housing Authority for five years**

Also, in accordance with the provisions of Chapter 43A of the General Laws, the number of Town Meeting Members hereinafter specified:

- |                      |   |
|----------------------|---|
| <b>PRECINCT 1 -</b>  | <b>Four for three years; One for one year;</b>                    |
| <b>PRECINCT 2 -</b>  | <b>Four for three years;</b>                                      |
| <b>PRECINCT 3 -</b>  | <b>Four for three years; One for two years;</b>                   |
| <b>PRECINCT 4 -</b>  | <b>Four for three years; Two for one year;</b>                    |
| <b>PRECINCT 5 -</b>  | <b>Four for three years; One for two years; Two for one year;</b> |
| <b>PRECINCT 6 -</b>  | <b>Four for three years;</b>                                      |
| <b>PRECINCT 7 -</b>  | <b>Four for three years;</b>                                      |
| <b>PRECINCT 8 -</b>  | <b>Four for three years;</b>                                      |
| <b>PRECINCT 9 -</b>  | <b>Four for three years; One for two years;</b>                   |
| <b>PRECINCT 10 -</b> | <b>Four for three years; One for two years;</b>                   |
| <b>PRECINCT 11 -</b> | <b>Four for three years; One for two years;</b>                   |
| <b>PRECINCT 12 -</b> | <b>Four for three years;</b>                                      |
| <b>PRECINCT 13 -</b> | <b>Four for three years;</b>                                      |
| <b>PRECINCT 14 -</b> | <b>Four for three years; One for one year;</b>                    |
| <b>PRECINCT 15 -</b> | <b>Four for three years; One for one year;</b>                    |
| <b>PRECINCT 16 -</b> | <b>Four for three years;</b>                                      |
| <b>PRECINCT 17 -</b> | <b>Four for three years; One for two years;</b>                   |
| <b>PRECINCT 18 -</b> | <b>Four for three years;</b>                                      |
| <b>PRECINCT 19 -</b> | <b>Four for three years;</b>                                      |
| <b>PRECINCT 20 -</b> | <b>Four for three years; One for one year;</b>                    |
| <b>PRECINCT 21 -</b> | <b>Four for three years.</b>                                      |

For these purposes, the polls will be opened at eight o'clock A.M. and remain open until eight o'clock P.M., at each of the polling places designated, viz.:

- Precinct 1 Thompson School, entrance on North Union Street
- Precinct 2 Hardy School, entrance on Brooks Avenue
- Precinct 3 Thompson School, entrance on North Union Street
- Precinct 4 Hardy School, entrance on Brooks Avenue
- Precinct 5 Thompson School, entrance on North Union Street
- Precinct 6 Hardy School, entrance on Brooks Avenue
- Precinct 7 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 8 Town Hall, entrance on Massachusetts Avenue
- Precinct 9 Chestnut Manor, entrance on Chestnut Terrace
- Precinct 10 Town Hall, entrance on Massachusetts Avenue
- Precinct 11 Bishop School, entrance on Stowcroft Road
- Precinct 12 Brackett School, entrance on Eastern Avenue
- Precinct 13 Stratton School, entrance on Mountain Avenue
- Precinct 14 Bracket School, entrance on Eastern Avenue
- Precinct 15 Stratton School, entrance on Mountain Avenue
- Precinct 16 St. Camillus Parish Hall, 1175 Concord Turnpike
- Precinct 17 Stratton School, entrance on Mountain Avenue
- Precinct 18 St. Camillus Parish Hall, 1175 Concord Turnpike
- Precinct 19 Peirce School, entrance on Newland Road
- Precinct 20 Park Avenue Congregational Church, entrance on Paul Revere Road
- Precinct 21 Peirce School, entrance on Newland Road

You are also required to notify and warn the said inhabitants to meet at the Town Hall in said Town on Monday the 25th day of April, 2005, at eight o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members, in accordance with and subject to the referenda provided for by Chapter 43A of the General Laws.

## **ARTICLE 2**

## **REPORTS OF COMMITTEES**

To receive, hear, and act upon the reports of the Board of Selectmen, Finance Committee, Redevelopment Board, and other committees, commissions, and boards heretofore appointed, including, without limitation: Permanent Town Building Committee (April 23, 1969), Vision 2020 Standing Committee (June 8, 1992), School Facilities “Working Group” (May 4, 1994), Bylaw Recodification Study Committee (May 9, 1994), Noise Abatement Study Committee (May 11, 1998), Affordable Housing Task Force (May 3, 1999), Zoning Bylaw Review Committee (May 12, 1999), Uncle Sam Committee (May 17, 1999), Fields and Playgrounds Task Force (May 19, 1999), Maintenance Study Committee (May 1, 2000), Alewife Brook Advisory Committee (May 15, 2000), Newsracks Study Committee (May 9, 2001), Community Preservation Act Study Committee (May 21, 2001), Symmes Advisory Committee (May 21, 2001), Power Company Feasibility Committee (May 6, 2002), Community-Based Health Insurance Study Committee (April 30, 2003), Tree Committee (May 7, 2003), Post-Employment Medical Benefits Committee (May 17, 2004), Trust Fund Policies Committee (May 17, 2004), Information Technology Advisory Committee (May 17, 2004), Field Maintenance and Users Fee Study Committee (May 26, 2004), and Symmes Neighborhood Advisory Committee (September 27, 2004) or take any action related thereto.

(Inserted at the request of the Town Moderator)

## **ARTICLE 3**

## **APPOINTMENT OF MEASURERS OF WOOD AND BARK**

To choose and appoint all the usual Town Officers not hereinbefore mentioned, in such a manner as the Town may determine, or take any action related thereto.

(Inserted by the Board of Selectmen)

## **ARTICLE 4**

## **ELECTION OF ASSISTANT TOWN MODERATOR**

To elect a Town Meeting Member as Assistant Moderator for a term of one year, as provided in Title I, Article 1, Section 11, A, of the Bylaws.

(Inserted at the request of the Town Moderator)

## **ARTICLE 5**

## **ZONING BYLAW AMENDMENT/AFFORDABLE HOUSING**

To see if the Town will vote to amend the Zoning Bylaw in Article 11, Section 11.06-Environmental Design Review, subsection b,1(b) immediately following “Six or more dwelling units on the premises, whether contained in one or more structures”, by adding the words, “or on one or more contiguous lots, constructed within a two year period”;

AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.01

Single-family detached dwelling”, add a new use “1.01a Six or more single-family dwellings on one or more contiguous lots”; and by inserting the letters “SP” under the columns headed R0, R1, R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU, PUD;

AND in Article 5, Section 5.04 TABLE OF USE REGULATIONS, following use “1.02

Two-family dwelling, duplex house”, add a new use “1.02a Six or more units in two-family or duplex houses on one or more contiguous lots”; and by inserting the letters “SP” under the columns headed R2, R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, MU, PUD;

AND, in Article 5, Section 5.04 TABLE OF USE REGULATIONS, at the end of the table in footnote a, immediately after the words “defined as uses” by inserting “1.01a, 1.02a,”;

AND, in Article 11, Section 11.08,c., DEFINITIONS, in the definition of “Residential” immediately after the words, “Use items”, by inserting “1.01a and 1.02a”, or take any other action related thereto.

(Inserted at the request of the Arlington Redevelopment Board)

## **ARTICLE 6**

### **ZONING BYLAW AMENDMENT/PARKING REQUIREMENTS SINGLE ROOM OCCUPANCY DEVELOPMENTS**

To see if the Town will vote to amend the Zoning Bylaw in Article 11, Section 11.08 by adding to section (e), a subparagraph 2. to read:

- “2. Notwithstanding the special permit requirement in Section 8.12(a)(10), in the case of a single room occupancy dwelling, dormitory, boarding house or lodging house, where more than 50% of the units are affordable units, the number of parking spaces may be reduced to 50% of the requirement, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.”, or take any other action related thereto.

(Inserted at the request of the Arlington Redevelopment Board)

## **ARTICLE 7**

### **ZONING BYLAW AMENDMENT/HOSPITAL ZONE**

To see if the Town will vote to amend the Zoning Bylaw in Article 5, Section 5.02 in the second paragraph, immediately after the words, “A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I,” by deleting “H” and inserting “MU” in place thereof;

And in Article 10, Section 10.05, immediately after the words, “No sign in any “B”,” by deleting “H” and inserting “MU” in place thereof, or take any other action related thereto.

(Inserted at the request of the Arlington Redevelopment Board)

## **ARTICLE 8**

### **ZONING BYLAW AMENDMENT/STORMWATER MANAGEMENT**

To see if the Town will vote to amend the Zoning Bylaw, Article 11, Section 11.06 (f). Environmental Design Review Standards under standard 5, Surface Water Drainage in the second sentence by deleting the words, “Stormwater shall be removed from all roofs, canopies and paved areas” and inserting in place thereof the words, “Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface, and to reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catchbasins. Stormwater should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas”, or take any other action related thereto.

(Inserted at the request of the Arlington Redevelopment Board)

To see if the Town will vote to rezone the property at 71 Summer Street, being Map 66, Lot 2A from B4 to R6, or take any action related thereto.

**ARTICLE 10                      ZONING BYLAW AMENDMENT/53 BROADWAY**

(Inserted at the request of 10 registered voters)

To see if the Town will vote to amend the Inclusionary Zoning Bylaw (Section 11.08 of the Zoning Bylaw) so that, if, and only if, highly specialized affordable units are to be provided by the development, such as special needs/elderly units, then these could remain clustered together rather than be distributed throughout the development if such grouping is clearly of advantage to the prospective occupants, or take any other action related thereto.

## ARTICLE 12 ZONING BYLAW AMENDMENT/AFFORDABLE HOUSING

(Inserted at the request of 10 registered voters)

To see if the Town will vote to establish an REL (religious) district without any restrictions in the zoning code for, and only for, all properties actively used for religious purposes and to request and direct the planning department to update the zoning map and zoning code to incorporate such a district, or take any action related thereto.

To see if the Town will vote to establish a MUN (Municipal) district in the zoning code without setback or other restrictions for, and only for, all properties owned by the Town and used for municipal purposes and to request and direct the planning department to update the zoning map and zoning code to incorporate such a district, or take any action related thereto.

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**ARTICLE 15****ZONING BYLAW AMENDMENT/ESTABLISH  
CEMETERY DISTRICT**

To see if the Town will vote to establish a Cem (cemetery) district in the zoning code for, and only for, all properties used as cemeteries, gardens of remembrance, or as columbariums (to contain the ashes of deceased people who had been cremated) and to request and direct the planning department to update the zoning map and zoning code to incorporate such a district, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 16****ZONING BYLAW AMENDMENT/ZONING DISTRICTS**

To see if the Town will vote that all properties in the Rel, MUN, and Cem districts which, because of a change in owners or use, are no longer qualified for inclusion in those districts shall revert back to the zoning district in which they are presently classified, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 17****BYLAW AMENDMENT/OUTSIDE LIGHTING**

To see if the Town will vote to amend the Bylaws so as to regulate the use of outside lighting that adversely affects the quality of life in a neighborhood, determine the fine for violations of same, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 18****BYLAW AMENDMENT/NOISE ABATEMENT**

To see if the Town will vote to amend Article 12 Noise Abatement of Title V of the Bylaws to reduce the time during the day when persons may operate heavy equipment, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 19****BYLAW AMENDMENT/CONSTRUCTION NOISE**

To see if the Town will vote to amend Article 12 – Noise Abatement of Title V of the Town Bylaws so as to further restrict and regulate noise related to construction or other activities in the Town, or take any action related thereto.

(Inserted at the request of the Noise Abatement Committee)

**ARTICLE 20****BYLAW AMENDMENT/NOTICE OF DEMOLITION**

To see if the Town will vote to amend the Bylaws to require that the owner of any improved property in the Town who plans to demolish any structure thereon to give notice to all abutters of such property, determine the nature and timing of such notice, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 21****BYLAW AMENDMENT/HANDICAPPED PARKING**

To see if the Town will vote, pursuant to the provisions of Chapter 40, Section 21, Clauses 23 and 24, to amend Article 5 Handicapped Parking of Title VIII Public Health and Safety of the Town Bylaws, to empower the police to enter onto private property on which the public has a right of access as invitees and/or licensees to enforce handicapped parking violations, or take any action related thereto.

(Inserted at the request of the Disabilities Commission and the Chief of Police)

**ARTICLE 22****BYLAW AMENDMENT/NEWS RACKS**

To see if the Town will vote to amend Article 1, Section 31 of Title III of the bylaws, to provide for a pilot program that would require newspaper vendors to locate their news racks inside of special containers called “condos or corrals” in certain areas of the Town, the cost of which would be amortized by the establishment of a fee to be paid by the vendors, to determine the amount of such fees, to appropriate a sum of money to fund the initial purchase, determine how the money will be raised and expended, or to take any action related thereto.

(Inserted at the request of the News Rack Study Committee)

**ARTICLE 23****ENLARGE PLEASANT STREET HISTORIC DISTRICT**

To see if the Town will vote to enlarge the Pleasant Street Historic District, established under Chapter 40C of the General Laws by the vote under Article 32 of the 1988 Annual Town Meeting (By-Laws, Title VII, Article 1, Section 4) by adding thereto the land and buildings now known as and numbered 5-7, 9, 11, 13, 19, 20, 22, 23, 24, 26, 26A, 28, 29, 32, 33, 34, 35, 36, 38, 41, 42, 44, 48, 49, 50, 51, 53, 54, & 55 Academy Street, 17 Irving Street, 14, 16, 19, 20, 21, 23, 24, & 28 Maple Street, 734-36 Massachusetts Avenue, and 67 Pleasant Street, said properties being bounded and described as follows:

Starting at a beginning point on the northwesterly sideline of Academy Street 91.53 feet from the easterly sideline of Irving Street, thence going northwesterly a distance of 186.20 feet to a point, thence going northeasterly a distance of 115.70 feet to a point, thence going southeasterly a distance of 19.08 feet to a point, thence going northeasterly a distance of 114.78 feet to a point, thence going southeasterly a distance of 100.00 feet to a point, thence going northeasterly a distance of 191.80 feet to a point, thence going southeasterly a distance of 15.00 feet to a point, thence going northeasterly a distance of 860.24 feet to a point, thence going easterly a distance of 12.00 feet to a point, thence going northeasterly a distance of 98.55 feet to a point, thence going southeasterly a distance of 77.00 feet to a point (being the southerly sideline of Massachusetts Avenue), thence going southwesterly a distance of 231.00 feet to a point, thence going southerly a distance of 45.00 feet to a point, thence going southeasterly a distance of 372.15 feet to a point, thence going southwesterly a distance of 135.00 feet to a point, thence going southeasterly a distance of 18.95 feet to a point, thence going southwesterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 20.00 feet to a point, thence going northeasterly a distance of 106.00 feet to a point, thence going southeasterly a distance of 316.40 feet to a point on the northwesterly sideline of Pleasant Street, thence going southwesterly a distance of 165.83 feet to a point, thence going northwesterly a distance of 204.50 feet to a point, thence going southwesterly a distance of 145.42 feet to a point, thence going northerly a distance of 64.60 feet to a point, thence going southwesterly a distance of 84.12 feet to a point, thence going northwesterly a distance of 259.75 feet to a point, thence going southwesterly a distance of 48.35 feet to a point, thence going northerly a distance of 140.25 feet to a point, thence going southwesterly a distance of 20.75 feet to a point, thence going southerly a distance of 83.68 feet to a point, thence going southwesterly a distance of 74.24 feet to a point, thence going southeasterly a distance of 10.00 feet to a point, thence going southwesterly a distance of 60.00 feet to a point (the previous 13 bounds being boundaries of the pre-existing Pleasant Street Historic District) thence



going northwesterly a distance of 69.30 feet to a point, thence going southwesterly a distance of 63.10 feet to a point, thence going southeasterly a distance of 25.00 feet to a point, thence going southwesterly a distance of 68.65 feet to a point, thence going southeasterly a distance of 110.00 feet to a point, thence going westerly a distance of 49.83 feet to a point, thence going southwesterly a distance of 78.05 feet to a point, thence going northerly a distance of 16.00 feet to a point, thence going westerly a distance of 100.88 feet to a point, thence going southerly a distance of 112.00 feet to a point, thence going westerly a distance of 46.69 feet to a point, thence going southwesterly a distance of 292.66 feet to a point, thence going northwesterly along a curve (being the westerly sideline of Irving Street) a distance of 323.76 feet to a point, thence going northeasterly a distance of 131.53 feet to the point of beginning. All of said dimensions being more or less, or however said area may be otherwise bounded and described. Shown on a plan entitled "Academy and Maple Street Expansion of the Pleasant Street Historic District, Arlington-Mass January 2005" by Ronald Santosuosso, Town Engineer, dated 1/14/05

and to amend the By-Laws accordingly, or take any action related thereto.

(Inserted at the request of the Arlington Historic District Commissions)

**ARTICLE 24** **HOME RULE LEGISLATION AMEND TOWN  
MANAGER ACT/FINANCE COMMITTEE MEMBERSHIP**

To see if the Town will vote to file special legislation to amend the Town Manager Act and/or amend the Town Bylaws to provide for appointment of members to the Finance Committee so as to permit appointment of members at large, or from adjoining precincts, when no candidates can be found by the appointing authority willing to serve and represent a particular precinct, or take any action related thereto.

(Inserted at the request of the Chairman of the Finance Committee)

**ARTICLE 25** **HOME RULE PETITION/TIMOTHY PACHECO**

To see if the Town will vote to request and authorize the Board of Selectmen to file a Home-Rule Petition with the General Court so as to permit Timothy Pacheco of 15 Fordham Street, Arlington, to apply for the position of Firefighter in the Town's Fire Department notwithstanding the fact that the Town has not accepted the provisions of Sections 61A and 61B of Chapter 31 of the General Laws and further notwithstanding the fact that Mr. Pacheco's age is in excess of 32 years, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 26** **HOME RULE LEGISLATION/BOARD OF SURVEY**

To see if the Town will vote to request the Board of Selectmen to file Home Rule Legislation with the General Court, substantially as follows:

**An Act Amending Chapter 249 of the Acts of 1897, Establishing a Board of  
Survey for the Town of Arlington.**

Section 1. New sections are hereby added to said Act, as follows:

Section 8. Whenever a public hearing is required as hereinabove set forth, in addition to giving notice by publication, the board shall give two weeks' written

notice to all property owners whose properties lies within 300 feet of any boundary of the land upon which any street or way is proposed to be located, and, in addition, if the land is open space, to the Arlington Conservation Commission, if the land contains a building on the Town's Inventory of Historically and Architecturally Significant structures, to the Arlington Historical Commission, and if the land is within an Historic District, to the Historic District Commission having jurisdiction thereof.

Section 9. Before approving the layout of any such street or way, the board shall make a finding that the same is consistent with the public convenience and necessity, and in addition, shall not approve the layout until the petitioner has first obtained from any board or commission of the Town any permits or approvals required by any other statute or by any Bylaw of the Town.

Section 2. This act shall take effect upon its passage.

Or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 27 HOME RULE LEGISLATION/TAX EXEMPTIONS  
FOR ELDERLY**

To see if the Town will vote to file for special legislation which will permit the Assessors to grant increased tax exemptions for elderly residents of the Town, or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 28 HOME RULE PETITION LEGISLATION/SYMMES SITE**

To see if the Town will vote to authorize and request the Board of Selectmen to file home rule legislation that would authorize the creation of a special account into which all revenue generated by the Town from the Symmes project, including without limitation, tax revenues from the site, would be placed and further said legislation would authorize payment without further appropriation from the account to retire bonded indebtedness or other expenses related to the acquisition, maintenance and operation by the Town of the site, or take any action related thereto.

(Inserted at the request of the Symmes Advisory Committee)

**ARTICLE 29 HOME RULE LEGISLATION/CHAPTER 31  
GENERAL LAWS**

To see if the Town will vote to file home rule legislation which will have the effect of removing all school-side secretarial staff from the provisions of Chapter 31 of the General Laws, the so-called Civil Service Law, or take any action related thereto.

(Inserted at the request of the Superintendent of Schools).

**ARTICLE 30 REVOLVING FUNDS**

To see if the Town will vote the following:

A. Private Way Repair - to reauthorize the revolving fund established under Article 46 of the 1992 Annual Town Meeting relating to defraying the cost of private way repairs; to hear or receive a report concerning the receipts and expenditures of same;

B. Public Way Repair - to reauthorize the revolving fund established under Article 45 of the 1992 Annual Town Meeting relating to the maintenance of public ways; to hear or receive a report concerning the receipts and expenditures of same;

C. Fox Library - to reauthorize the revolving fund established under Article 49 of the 1996 Annual Town Meeting relating to the Fox Library and Community Center; to hear or receive a report concerning the receipts and expenditures of same;

D. Robbins House - to reauthorize the revolving fund established under Article 77 of the 1997 Annual Town Meeting relating to the Whittemore-Robbins House; to hear or receive a report concerning the receipts and expenditures of same;

E. Conservation Commission - to reauthorize the revolving fund established under Article 44 of the 1996 Annual Town Meeting relating to consultant fees charged by the Conservation Commission; to hear or receive a report concerning the receipts and expenditures of same;

F. Tuition Payments – to reauthorize the revolving fund established under Article 34 of the 1999 Annual Town Meeting relating to grants or reimbursements paid by another governmental entity including tuition payments of U.S. citizen students; to hear or receive a report concerning the receipts and expenditures of same;

G. All Day Kindergarten - to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for all day kindergarten under the auspices of the School Department; to hear or receive a report concerning the receipts and expenditures of same;

H. Uncle Sam – to reauthorize the revolving fund established under Article 31 of the 2000 Annual Town Meeting for the Uncle Sam program that promotes Arlington as the “Birthplace of Uncle Sam” under the auspices of the Uncle Sam Committee; to hear or receive a report concerning the receipts and expenditures of same;

I. Hardy After School Program – to reauthorize the revolving fund established under Article 51 of the 2001 Annual Town Meeting for the after school program at the Hardy School; to hear or receive a report concerning the receipts and expenditures of same;

J. Life Support Services – to reauthorize the revolving fund established under Article 6 of the May, 2001 Special Town Meeting for basic life support and advanced life support services which provides for billing and payment to other entities in the Town to take account of new Medicare regulations; to hear or receive a report concerning the receipts and expenditures of same;

K. Building User Fees – to reauthorize the revolving fund established under Article 27 of the 1992 Annual Town Meeting to defray the expenses of conducting after hours activities in the schools by outside groups, to hear or receive a report concerning the receipts and expenditures of same;

To appropriate a sum of money for any one or all of the same; to establish new revolving funds; to determine how the money shall be raised and expended; or take any action related thereto.

(Inserted by the Board of Selectmen)

## **ARTICLE 31**

## **REVOLVING FUND/PARKING PROGRAM**

To see if the Town will vote to establish a revolving fund pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E1/2 for the purpose of making expenditures relating to the Town’s Parking/Parking Ticket Program, including the payment of all expenses relating to said program including the maintenance/replacement

(Inserted at the request of the Town Treasurer/Parking Clerk)

To see if the Town will vote to establish, pursuant to Section 53E 1/2 of Chapter 44 of the General Laws, a revolving fund for the Conservation Commission and to transfer any funds currently available to the Conservation Commission into such funds, or take any action related thereto.

To see if the Town will vote to endorse the application for Federal Fiscal Year 2006 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383) as amended, or take any action related thereto.

To see if the Town will vote to give the Town Manager, the Board of Selectmen, the Superintendent of Schools, and the School Committee, the general authority to file applications and to accept grants from the Federal Government, the Commonwealth of Massachusetts and/or any grant-making organization/body during Fiscal Year 2006, or take any action related thereto.

To see if the Town will vote to establish a Private Way Procedures Committee to explore various alternatives to the financing of the repair/reconstruction of the town's private ways, and set forth written procedures regarding the said private way program including the establishment and recording of betterment liens against the properties and property owners benefited by any improvements; said committee to be comprised of one member of the Board of Selectmen appointed by the Board; the Town Counsel; the Director of Public Works; the Director of Assessments and the Town Treasurer; the organizational meeting of the committee to be called and presided over by the Selectman member, and the business of the committee will be conducted so long as a quorum of the members are present at the organizational and subsequent meetings of the committee; to appropriate monies to initially fund private way repairs to determine how the money will be raised and expended including the possibility of borrowing same, or take any action related thereto.

To see if the Town will vote to establish a committee to study the consolidation of the fiscal organization of the Town under a Chief Financial Officer reporting to the Town. Said committee shall consist of the Town Treasurer or his appointee, the Town Manager or his appointee, the Director of Assessments or his appointee, the Chair of the Finance

Committee or his appointee, a Town Meeting Member, a Vision 2020 member and a resident of the Town, the last three to be appointed by the Moderator. Said committee shall make recommendations to the Board of Selectmen by December 2005 and shall report to the next Annual Town Meeting. The recommendation shall include a specific consolidated organization, evaluation of its advantages and disadvantages, and details of the changes needed in the bylaws and Town Manager Act, estimate cost savings/additional expenses and suggest an implementation procedure or take any action relating thereto.

(Inserted at the request of Vision 2020 Fiscal Resources Task Group)

**ARTICLE 37 ESTABLISH COMMITTEE/SYMMES NEIGHBORHOOD**

To see if the Town will vote to develop a comprehensive post development mitigation plan for the greater Symmes neighborhood and that the Town Meeting establish a committee and planning process for the establishment of said plan, or take any action related thereto.

(Inserted by the Board of Selectmen)

**ARTICLE 38 FIRE STATION RENOVATION POSTPONEMENT**

To see if the Town will vote to postpone the rebuilding of Park Circle Fire Station until a formal evaluation of actual response times for fire and emergency medical vehicles over the past three years is submitted to Town Meeting. Such submission shall be no later than the next annual town meeting, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 39 FIRE STATION RENOVATION CAPITAL PLAN**

To see if the Town will vote to reallocate funds from the Capital Plan proposed for the rebuilding of Park Circle Fire Station to the renovation of Highland and/or Central Station(s), or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 40 TRASH FEE**

To see if the Town will vote to institute a fee to offset all or part of the costs of trash and yard waste collections and disposal, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 41 TRASH COLLECTION PLAN**

To see if the Town will vote to implement one of the trash collection options included in the PAYT Committee's report to the Board of Selectmen, making all necessary changes to its Bylaws required for the implementation of the PAYT plan selected, or take any action related thereto.

(Inserted at the request of 10 registered voters)

**ARTICLE 42 APPROPRIATION/TOWN BUDGETS**

To see if the Town will vote to make appropriations to defray Town obligations, liabilities, outlay and expenses and especially for or relating to all or any of the boards, departments, purposes and matters hereinafter mentioned, and to provide for the disposal of motor vehicles and other personal property belonging to the Town, determine how the money shall be raised and expended, or take any action related thereto:

(Inserted by the Board of Selectmen and at the request of the Town Manager)

(Inserted at the request of Minuteman Regional Vocational School District Committee)

(Inserted at the request of the Town Manager)

(Inserted at the request of the Town Moderator and the Finance Committee)

**ARTICLE 46****APPROPRIATION/MISCELLANEOUS**

To see if the Town will vote the following:

- A. Legal Defense – To appropriate a sum of money to replenish the Legal Defense Fund established under Article 13, Section 5 of Title I of the Town Bylaws,
- B. Unemployment Compensation – To appropriate a sum of money to be expended under the direction of the Town Manager for the Unemployment Compensation Program,
- C. Out-Of-State Travel – To appropriate a sum of money for expenses incurred outside the Commonwealth and as described in the General Laws, Chapter 40, Section 5, Paragraph 34, said appropriation to be expended under the direction of the Board of Selectmen and the Town Manager,
- D. Revaluation – To appropriate a sum of money to fund the cost of a revaluation of Town property,
- E. Indemnification of Medical Costs – To appropriate a sum of money in accordance with the provisions of Chapter 41, Section 100B of the General Laws, to indemnify certain retired Police Officers and Firefighters for all reasonable medical and surgical expenses which they incurred, determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Town Manager)

**ARTICLE 47****CAPITAL BUDGET**

To see if the Town will vote to appropriate a sum of money to defray the expense of purchasing, leasing, or bonding of capital equipment, infrastructure, buildings or other projects of the Town or to acquire real property for municipal purposes; to appropriate a sum of money to fund previously incurred or future Town debt, to acquire land for said projects where necessary by purchase, eminent domain taking or otherwise, determine how the money shall be raised including the possibility of borrowing any or all of the same, or the transfer of funds from any previous appropriation, determine how such money shall be expended, or take any action related thereto.

(Inserted by the Board of Selectmen, and at the request of the Town Manager and the Capital Planning Committee)

**ARTICLE 48****RESCIND AUTHORITY TO BORROW**

To see if the Town will vote to rescind the authority to borrow for certain abandoned capital projects, or take any action related thereto.

(Inserted at the request of the Capital Planning Committee)

**ARTICLE 49****APPROPRIATION/FINANCING OF CONSTRUCTION OR RECONSTRUCTION OF SEWERS AND SEWERAGE FACILITIES**

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of sewers and sewerage facilities for inflow/infiltration reduction or system rehabilitation, including costs incidental and related thereto, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing, or take any action related thereto.

(Inserted at the request of the Town Manager and Director of Public Works)

To see if the Town will vote to appropriate a sum of money for the purpose of financing the construction or reconstruction of water mains and water facilities, including costs incidental and related thereto, and to determine how the appropriation shall be raised and expended including the possibility of borrowing, or take any action related thereto.

To see if the Town will vote to appropriate a sum of money to implement the provisions of Chapter 32 of the Massachusetts General Laws, Sections 90A, 90C, 90D, and 90E, pursuant to which the Town pays up to fifty percent of the maximum salary as set forth in the Compensation and Pay Plan for the position formerly held by retired employees with twenty-five or more years of service to the Town who qualify for this adjustment; said adjustment to be administered in accordance with prior practice and understanding relating to the retirement allowance of said retirees; determine how the money shall be raised and expended; or take any action related thereto.

To see if the Town will vote to make additions, deletions and/or modifications to the Classification and Pay Plan, appropriate a sum of money to fund same if necessary, determine how the money will be raised and expended, or take any action related thereto.

To see if the Town will vote to establish a committee to consider and possibly plan for an observance of the 200<sup>th</sup> anniversary of the incorporation of the Town in 1807; to determine the manner of appointment of such a committee; to make an appropriation for the expenses of such committee; or take any action related thereto.

To see if the Town will vote to appropriate a sum of money or transfer existing monies under the control of the Permanent Town Building committee to fund shortfalls related to construction and/or design of the Peirce School, to determine how the money will be raised or expended, or take any action related thereto.

To see if the Town will vote to carry over into fiscal year 2006 any unexpended funds previously appropriated for expenses of the Transportation Advisory Committee, or take any action related thereto.

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**ARTICLE 56    APPROPRIATION/TECHNICAL ASSESSMENT/TREASURER'S  
SYSTEMS**

To see if the Town will vote to appropriate a sum of money to enable the Town Treasurer to conduct a review of the Data Processing assets dedicated to support the functions of the Office of the Town Treasurer/Collector of Taxes; for the purposes of this review the Data Processing assets will include software packages (collections of computer programs), any and all hardware used to host the packages, and the communications capabilities which connect the Treasurer/Tax Collector systems operators/users to the systems, determine how the money will be raised and expended; or take any action related thereto.

(Inserted at the request of the Town Treasurer)

**ARTICLE 57    APPROPRIATION/WEED TREATMENT**

To see if the Town will vote to appropriate a sum of money for remediation of invasive weeds in Spy Pond, determine how the money will be raised or expended, or take any action related thereto.

(Inserted at the request of the Vision 2020 Environment Task Group-Spy Pond Committee, the Vision 2020 Standing Committee and the Conservation Commission)

**ARTICLE 58    APPROPRIATION/ZONING BYLAW REVIEW**

To see if the Town will vote to appropriate a sum of money and to instruct the Zoning Bylaw Review Committee (ZBRC) to analyze the Town Zoning Bylaw and make recommendations for changes thereto regarding the use, zoning, and rezoning of lots which, under the existing Zoning Bylaw may be converted, either by right, or otherwise from an existing use to a more intensive or denser residential use; to authorize the ZBRC to expend through the Department of Planning and Community Development monies to hire a zoning and planning consultant to assist the ZBRC in conducting this analysis; and to request that Town officials cooperate with the ZBRC by supplying all relevant zoning and lot parcel data and assistance as requested by the ZBRC for this effort. The ZBRC shall report its findings, results, and Bylaw and/or Zoning Bylaw amendment proposals, if any, to the next Annual Town Meeting or, if possible, the next Special Town Meeting; determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of Zoning Bylaw Review Committee)

**ARTICLE 59    PERMISSIVE LEGISLATION**

To see if the Town will vote to accept permissive legislation relating to any one or more of the following:

1. Retirement changes and/or early retirement.
2. Education reform and/or application and acceptance of any educational funds appropriated by the legislature.
3. Special needs students.

Or take any action related thereto.

(Inserted at the request of the School Committee and Superintendent of Schools)

**ARTICLE 60****LOCAL OPTION TAXES**

To see if the Town will vote to accept any local option taxes which are made available to cities and towns through enactments of the legislature, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 61****APPROPRIATION/RETIREE HEALTHCARE TRUST FUND**

To see if the Town will appropriate a sum of money to the Healthcare Trust Fund as established by Chapter 12 of the Acts of 1998, and to accept into said trust fund a transfer of funds and/or additional moneys that the Town may deem advisable from other sources in order to fund its healthcare obligations, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Town Treasurer and the Finance Committee)

**ARTICLE 62****APPROPRIATION/TIP FEE STABILIZATION FUND**

To see if the Town will vote to make an appropriation/transfer from the Tip Fee Stabilization Fund established by Chapter 8 of the Acts of 1998 for any purpose allowed by such act, to determine how the money will be raised and expended, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 63****TRANSFER OF FUNDS/CEMETERY**

To see if the Town will vote to transfer a sum of money to the Cemetery Commissioners for the improvement of Town cemeteries, said sum shall be taken from the Mt. Pleasant Cemetery "Sale of Lots and Graves Fund", or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 64****APPROPRIATION/OVERLAY RESERVE**

To see if the Town will vote to appropriate a sum of money from previous years overlay reserve surplus accounts, determine to what purpose this appropriation shall be made, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 65****APPROPRIATION/STABILIZATION FUND**

To see if the Town will make an appropriation to be added to the Stabilization Fund created under Article 73 of the 1958 Annual Town Meeting in accordance with the provisions of the General Laws, Chapter 40, Section 5B, as amended, determine how the money shall be raised and expended, or take any action related thereto.

(Inserted at the request of the Finance Committee)

**ARTICLE 66****USE OF FREE CASH**

To see if the Town will vote to authorize the taking of a sum of money voted for appropriations heretofore made at the Town Meeting under the Warrant and not voted to be borrowed from available funds in the Treasury, and authorize the Assessors to use free cash in the Treasury to that amount in the determination of the tax rate for the Fiscal Year beginning July 1, 2006, or take any action related thereto.

(Inserted at the request of the Finance Committee)

To see if the Town Meeting will resolve that accurate, aggregate health and health cost information specific to Arlington is needed and desired, or take any action related thereto.

To see if the Town will vote to transfer certain monies in the Town Building Insurance Fund to the Stabilization Fund, or take any action related thereto.

To see if the Town will vote to recommend and request that the Board of Selectmen place a general or “cafeteria style” override on the ballot, or take any action related thereto.

**WHEREAS:** the costs of the call-up of Massachusetts National Guard members for deployment in Iraq has been significant, as reckoned in lost lives, combat injuries, psychic trauma, disruption of family life, financial hardship for individuals, families, and businesses, interruption of careers, and damage to the fabric of civic life in many Massachusetts communities;

**WHEREAS:** these are costs which would be suffered willingly were there a threat to our nation, but which are not tolerable where there is none;

**WHEREAS:** Massachusetts' residents have joined the Guard thinking that they would be serving their neighbors by helping with Massachusetts-based emergencies, unless there was a danger to America requiring transfer to active duty;

**WHEREAS:** stop-loss orders violate the mutual understanding between Massachusetts' residents in the Guard and the state and nation they agreed to serve;

**WHEREAS:** there is reason to believe that the federalization and deployment of Massachusetts National Guard members has rendered the remaining Guard force unable to carry out its state activities effectively; and

**NOW, THEREFORE, IT IS HEREBY RESOLVED,** that the Town requests the members of Massachusetts' Congressional Delegation to urge Congress to restore the balance between the federal government and the states, limiting the nearly complete federal control over State National Guard units to cases where there is reasonable evidence that war powers are requested in order to protect against a threat to the territory of the United States, where there is an insurrection or a plausible threat of insurrection; or where there is a declaration of war under the United States Constitution;

**RESOLVED,** that the Town requests the General Court of the Commonwealth of Massachusetts, exercising its powers under Article XVII of the First Part of the Massachusetts' Constitution, to: investigate and discuss whether members of the Massachusetts' National Guard have been called to active service and assigned to duties relating to the war in Iraq in conformity with the U.S. Constitution and federal laws, including the 2002 Congressional Resolution on Iraq; and create a commission or other body to collect statutory, historical, and statistical information about the role of the National Guard in serving the State of Massachusetts and to study the impact of the federalization and deployment of its members on the ability of the Guard to perform its mission in Massachusetts;

**RESOLVED,** that the President and the Congress take steps to withdraw American troops from Iraq, consistent with the mandate of international humanitarian law; and

**RESOLVED,** that the Town Clerk send a copy of this Resolution to each member of the Massachusetts' Congressional Delegation, the Massachusetts Governor, the Speaker of the Massachusetts House of Representatives, the President of the Senate, and the Adjutant General of the National Guard of Massachusetts.

(Inserted at the request of 10 registered voters)

Hereof, fail not, and make due return of the Warrant, with your doings thereon, to the Town Clerk, on or before said day and hour of meeting.

(SIGNED)

A true copy.

Attest:

....  
....  
....

(SIGNED)

DIANE M. MAHON

JOHN W. HURD

CHARLES LYONS

KEVIN F. GREELEY

KATHLEEN KIELY DIAS

SELECTMEN

OF THE

TOWN

OF

ARLINGTON

RICHARD T. BOYLE  
CONSTABLE

## **HOW TO VOTE BY ABSENTEE BALLOT**

### **Reasons for voting absentee**

You may vote absentee if you are registered and will be unable to vote at the polls on Election Day because of

Absence from the Town

Physical disability

Religious beliefs

Illegal absentee voting is punishable by a fine of up to \$10,000 and up to five years in prison.

### **Applying for an absentee ballot**

You must apply for an absentee ballot from the Town Clerk no later than noon of the day before the election. Applications may be mailed or hand delivered and you may use any form of written communication (letter or postcard) or the official application form.

Include on the application

Your name as registered

Your registration address

Precinct, if you know it

The precise address to which you wish the ballot sent

Your own signature

### **Requesting to vote by mail**

A ballot will be sent to any address you specify including your own home. Be sure to apply early because the ballots must be sent by mail and may be returned by mail or hand delivered.

### **Requesting to vote in person**

If you prefer, you may request to vote in person before Election Day. You may vote at the Town Hall before Election Day at a time arranged with the Clerk, but application for your ballot must be made no later than noon of the day before the election. A voter may apply for an absentee ballot and then vote over-the-counter during the same visit.

### **Applying to vote if you are absent from the state, in the armed services or a prisoner**

Registered and unregistered residents of Massachusetts outside the state and residents on active duty in the armed forces and merchant marine and their spouses or dependents, and prisoners, may vote absentee. They may request an absentee ballot from the Town where they legally reside (if outside the U.S., where they resided last before leaving). In addition, a close relative may apply on their behalf in person at the Town Clerk's Office.

A parent of a registered voter who is a student at a Massachusetts college or university may apply for an absentee ballot on the student's behalf to the Town Clerk where the student is registered.

In all cases, unregistered voters must register in person when they return to the state, since this does not establish permanent registration.

### **What if I am permanently physically disabled?**

If you are permanently physically disabled and cannot cast your vote at the polling place, you may file a letter from your physician with the Town Clerk, stating that you are permanently unable to cast your vote at the polling place because of physical disability. A completed application for an absentee ballot, for you to sign and return, must be mailed by the Town Clerk to you at least 28 days before every primary and election.

**NOTE:** Voters who are admitted to a health care facility after noon of the fifth day before an election may apply for an absentee ballot up until the polls close on the day of the election (rather than noon the day before the election) and must designate a person to hand deliver and return the absentee ballot.